

Division 3. Air Resources Board

Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

Article 1. Small Off-Road Engines

§ 2400. Applicability.

(a)(1) This article applies to small off-road engines (below 25 horsepower) produced on or after January 1, 1995 and any equipment produced on or after January 1, 1995 that uses such engines.

(2) Every new small off-road engine that is manufactured for sale, sold, or offered for sale in California, or that is introduced, delivered or imported into California for introduction into commerce, and that is subject to any of the standards prescribed in this article must be covered by an Executive Order, issued pursuant to this article.

(3) This article does not apply to compression-ignition engines, as defined in Section 2421, below 25 horsepower, produced during the 2000 and later model years or any equipment that uses such engines produced during the 2000 and later model years.

(b) Each part of this article is severable, and in the event that any part of this article is held to be invalid, the remainder of this article remains in full force and effect.

(c)(1) For purposes of this article, military tactical vehicles or equipment means vehicles or equipment owned by the U.S. Department of Defense and/or the U.S. military services and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(2) This article shall not apply to engines used in off-road military tactical vehicles or equipment which have been exempted from regulations under the federal national security exemption, 40 CFR, subpart J, section 90.908. It shall also not apply to those vehicles and equipment covered by the definition of military tactical vehicle that are commercially available and for which a federal certificate of conformity has been issued under 40 CFR Part 90, subpart B.

(3) On January 1, 1997, the U.S. Department of Defense shall submit to the ARB a list of all vehicle and equipment types that are exempted under the above provisions and which are located in the State of California. If any additional vehicle and equipment types are added to the list during the previous 12 months, the U.S. Department of Defense shall update the list and submit it to the ARB by January 1 of the following year.

NOTE: Information regarding authorization to adopt regulations that are included in this chapter for nonpreempted nonroad vehicles or engines pursuant to section 209(e) of the federal Clean Air Act (42 U.S.C. 7543(e)) may be obtained from the Air Resources Board at 9528 Telstar Avenue, El Monte, California 91731.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

REFERENCE